

REMARKS

Reconsideration is requested.

A copy of the Notification dated March 6, 2007 and Error Report received with the same are attached.

The specification has been amended to include the attached revised Sequence Listing, which is believed to correct errors noted in the attached Error Report relating to the previously-submitted Sequence Listing.

The attached paper and computer readable copies of the Sequence Listing are the same. No new matter has been added.

The Notification dated March 6, 2007 further requires a Declaration of the inventors which identifies the application to which it is directed.

The applicants submit, with due respect, that the Declaration submitted August 22, 2005 was correct in identifying the application by PCT filing date, title, priority applications and priority application filing dates. The earlier submitted executed Declaration was in error only in identifying the application as PCT/FR2003 as opposed to the correct PCT/EP2003. The applicants note that the PTO Office of PCT Legal Administration granted the applications Rule 137(b) Petition of July 17, 2006 in a Decision of August 24, 2006 without indicating that a new Declaration was required. The undersigned requested advice in the Renewed Petition of July 17, 2006 as to whether a new Declaration was required and the Decision of August 24, 2006 was taken as acceptance of the Declaration submitted August 22, 2005 by its silence on the matter.

Reconsideration is requested with regard to the requirement for a new Declaration.

As noted in the Renewed Petition of July 17, 2006, the undersigned forwarded a corrected inventors' Declaration to the owner's overseas associate for review and execution by the inventors.

The overseas associate has not been able to obtain execution of the revised corrected Declaration by one of the three inventors. Specifically, inventor Dominique REBOUILLAT has not returned the executed correct Declaration forwarded to him March 26, 2007. A reminder was forwarded to inventor Dominique REBOUILLAT April 27, 2007. To date, a copy of the corrected Declaration executed by Dominique REBOUILLAT has not been received.

For completeness, the applicants are submitting herewith a corrected copy of the earlier submitted inventors' Declaration which has been executed by two of the three inventors (i.e., Etienne JACOTOT and Herve LECOEUR). A Petition Under Rule 47(a) and Petition fee with a Declaration of Chantal PEAUCELLE is also attached as Mr. Dominique REBOUILLAT's failure to return the executed corrected copy of the Declaration is believed to be an indication that Mr. REBOUILLAT refuses to sign the corrected Declaration. The Office is requested to either reconsider and accept the previously filed Declaration or grant the attached Rule 47(a) Petition in light of the attached corrected Declaration executed by two of the inventors and factual showing of Chantal PEAUCELLE that the missing inventor refuses to sign the corrected Declaration.

JACOTOT et al
Appl. No. 10/533,642
October 5, 2007
Amendment

Respectfully submitted,

NIXON & VANDERHYE P.C.

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